



PATENT
Attorney Docket No. 06502.0289-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Germano CARONNI et al.) Group Art Unit: 2135
Application No.: 09/457,914) Examiner: Leynne A. Ha
Filed: December 10, 1999)
For: SYSTEM AND METHOD FOR) Confirmation No.: 8208
ENABLING SCALABLE) Mail Stop AF
SECURITY IN A VIRTUAL)
PRIVATE NETWORK)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request a pre-appeal brief review of the rejections in the final Office Action ("Office Action") mailed June 1, 2007, the period for response to which extends through September 1, 2007. This Request is being filed concurrently with a Notice of Appeal, in accordance with the Official Gazette Notice of July 12, 2005.

Claims 1-3, 5, 7-11, 13-20, 22, 24-31, 33-37, 39, and 41-48 are pending and are the subject of this request for review. In the Office Action,¹ the Examiner rejected claims 1-3, 5, 7-11, 13-20, 22, 24-31, 33-37, 39, and 41-48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,606,708 to Devine et al. ("Devine") in view of

¹ The Office Action may contain statements characterizing the related art, case law, and claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

U.S. Patent No. 6,226,678 to Mattaway et al. ("Mattaway"). The Examiner's rejection contains clear errors and omits element necessary to establish a *prima facie* case of obviousness. None of the references, taken individually or in combination, teaches or suggests each and every element recited by the claims.

Independent claim 1, for example, recites a method including: "sending a request from the first node to an administrative machine to verify a first node identification . . [and] in response to the request, receiving security context information at the first node from the administrative machine" (emphasis added). The Examiner alleges that Devine discloses this element in col. 8:32-35 and col. 14:11-14. Office Action at 3. This is a clear error. The cited portion of Devine discloses that a "client message" is sent to "DMZ Web servers 24," which "re-encrypt the request . . and forward it . . to the dispatcher server 26." Devine, col. 8:27-35; see also col. 8:66-9:4 (emphasis added). However, forwarding a client message to a dispatcher server, as taught by Devine, does not constitute a teaching or suggestion of responding to a first node.

Further, Devine does not teach or suggest responding with "security context information comprising a virtual address of the first node," as recited by claim 1. Although Devine mentions a "virtual IP address" in col. 23, lines 61-64 and in col. 24, lines 7-9, both of these portions of Devine discuss a virtual IP address for "multiple Web servers 24, and file servers," not a client (alleged "first node"). Devine 24:7-9. In contrast, claim 1 requires a "virtual address of the first node."

Moreover, the virtual IP addresses of Devine are not sent to a client (alleged “first node”) “in response to the request [to verify a first node identification associated with the first process],” as required by claim 1.

Mattaway fails to cure the deficiencies of Devine. Mattaway does not disclose responding with a “virtual address for the first node,” as recited by claim 1 (emphasis added). Mattaway discloses that a “first processing unit 12 [alleged first node] sends a query, including the E-mail address of the callee [alleged second node], to the connection server.” Mattaway, col. 7:18-19. “If the callee is active . . . [a] connection server” retrieves “the IP address of the callee . . . and [it is] sent to the first processing unit 12.” Id., col. 7:23-28. Mattaway therefore responds to the alleged first node with the IP address of the callee, the alleged “second node.” But claim 1 requires responding to the first node with “a virtual address for the first node” (emphasis added).

Claim 1 also requires “appending the security context information for the first process in a process table.” The Examiner’s rejection acknowledges that Devine does not disclose this element. Office Action at 3. Nor does Mattaway. The Examiner alleges: “Mattaway discloses providing one-to-one mapping . . .” using a table, concluding “[t]his reads [on] the process table.” Office Action at 17. Applicants disagree. Mattaway simply “compares the E-mail address . . . contained in on-line table 1516B and, if a match occurs . . . transmits the value of the Internet Protocol address . . . to the requesting WebPhone client.” Mattaway, col. 18: 30-35. Thus, Mattaway discloses that the IP addresses are already stored in the table and are merely used to perform a lookup. Mattaway does not “append[] the security context information for the first node in a process table,” as required by claim 1.

Moreover, Mattaway's table is not a "process table." Applicant's specification defines a "process table" as "list[ing] all of the proc structures currently executing in memory." Applicant's Specification at 19. Mattaway's table of E-mail and IP addresses is unrelated to listing all of the proc structures currently executing in memory.

Furthermore, independent claim 1 recites a method including "transmitting a packet from the first process to the second process through the open socket without passing through the administrative machine, the packet comprising the security context information for the first process in the process table" (emphasis added). The Examiner acknowledges that Devine does not teach or suggest this element. Office Action at 4. As discussed above, Mattaway similarly does not teach or suggest sending "a virtual address for the first node" or sending a virtual address for the first node in a "process table," as required by claim 1. In addition, Mattaway does not teach or suggest transmitting "the process table" from "the first process to the second process," as required by claim 1.

Accordingly, the Examiner's rejection of claim 1 contains clear errors and should be overturned. Independent claims 16, 18, 29, 33, and 35, while of different scope than independent method claim 1, patentably distinguish from Devine and Mattaway for at least the same reasons as claim 1. Claims 2, 3, 5, 7, 11, 13, 15, 17, 19, 20, 22, 24, 28, 30, 31, 34, 36, 37, 39, 41, and 45-48 are allowable at least based on their respective dependence from allowable independent claims 1, 16, 18, 29, 33, or 35.

Furthermore, claims 7, 24, and 41, in addition to being allowable based on their respective dependence from allowable independent claims 1, 18, and 41, are allowable because Devine and Mattaway fail to teach or suggest the claimed "determining

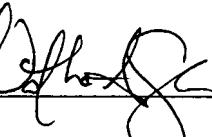
whether the first and second process belong to two different linked channels." Contrary to the Examiner's allegations in the Office Action on p. 6, Devine and Mattaway are both silent with respect to "linked channels" and "determining whether the first and second process belong to two different linked channels."

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: August 29, 2007

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